

## 46 Am. Jur. 2d Judges § 3

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### Judges

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### I. In General

## § 3. Constitutional or legislative power to create judge's office

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  1, 2

The office of judge may be created by constitutional provision<sup>1</sup> or at the discretion of the legislature.<sup>2</sup>

Some state constitutions provide that an area is entitled to a judge in a particular court for a specified number of people or major fraction thereof; such a provision is self-executing.<sup>3</sup> Even where the constitution lacks such a provision, the legislature may provide for the automatic creation of judgeships in an area based on increases in population.<sup>4</sup>

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### Footnotes

- 1 [Gray v. Bryant](#), 125 So. 2d 846 (Fla. 1960).
- 2 [In re Carroll](#), 91 Kan. 395, 137 P. 975 (1914).  
As to the creation of courts, see [Am. Jur. 2d, Courts](#) §§ 4 to 6.
- 3 [Gray v. Bryant](#), 125 So. 2d 846 (Fla. 1960).
- 4 [Dobbs v. Board of County Com'rs of Oklahoma County](#), 1953 OK 159, 208 Okla. 514, 257 P.2d 802 (1953).

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